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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,362	02/02/2001	Donald W. Taylor	DE007DT-1	1840

7590 10/30/2002

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MOBERLY, MO 65270

EXAMINER

RAJGURU, UMAKANT K

ART UNIT	PAPER NUMBER
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1711

6

DATE MAILED: 10/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

☒ Responsive to communication(s) filed on Jun 19, 2002 (paper no 5)

☒ This action is FINAL.

- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-29 is/are pending in the application.
- Of the above claim(s) 19-29 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-18 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_.

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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1. An amendment (paper no. 5) has been filed on June 19, 2002.
2. Claims now under examination are 1-29.
3. Rejection of claims 2, 11, 19 and 20 under 35 USC 112, second paragraph (see item 2 of prior office action, paper no. 4) is now withdrawn.
4. All originally filed claims 1-20 (which were under examination at the first office action paper no. 4) were directed to a composition. After the recent amendment claims 2, 3 and 21-28 are directed to an article while claims 19, 20 and 29 encompass a method. Examiner is not restricting claims 2 and 3 from the other composition claims because these claims (2 and 3) are treated as composition claims since they do not encompass any specific structural limitations associated with tape, sheet, film or wrap. However if at a later stage these article claims be amended to include these limitations, they will be restricted.

Method claims 19, 20 and 29 as well as article claims 21-28 are now restricted since 19, 20 and 29 encompass specific steps other than nominal mixing and 21-28 require a structural limitation.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 540-33542.
7. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 54033542
8. Claim 5, 9, 12 are rejected under 35 U.S.C 103(a) as being unpatentable over JP 54033542 as applied to claim 1 above, and further in view of Heimann et al (USP 6017857), and Nee (USP 4983449).

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01.23.2003

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9. Claim 2-4, 6-8, 10, 11, and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 54033542 in view of Lyons Jr. (USP 5263287), Heimann (USP 6017857), Nee (USP 4983449), Pachl et al (USP 6174932) and Glorieux (USP 5399189).

*with drawn  
01.23.2003*

These rejections are incorporated here from prior office action paper no. 4.

10. Applicant's arguments filed June 19, 2002 (paper no. 5) have been fully considered but they are not persuasive.

Applicants' argument that "JP '542 is directed to a grease and hence does not disclose instant composition" is not persuasive because it is immaterial whether JP '542 is directed to (claimed) articles/s or not. JP '542 teaches all ingredients of a composition which reads on the instantly claimed one. Applicants' other argument that "JP 542 lacks addition of at least one resin" is not convincing since JP '542 in fact uses polypropylene, polyesters etc which are resins.

Applicants' arguments about Heimann are also not persuasive. It is immaterial whether silicates of Heimann increase or decrease pH. They can still be used in composition of JP '542.

Nee discloses a composition which can be made into a wrapping material. Hence composition of Nee (not the wrapping material) is equitable to that of JP '542.

Pachl is a valid piece of prior art since inventive entity of Pachl is different from that of instant application, even though there may be a common assignee.

Examiner wants to point out, in response to applicants' several earlier arguments that "certain references are nonanalogous art", it has been held that a reference must either be in the field of applicants' endeavor or if not, then be reasonably pertinent to the particular problem with which the applicants were concerned, in order to be relied upon as a basis for rejection.

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**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to U.K. Rajguru whose telephone number is 703-308-3224. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 703-308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


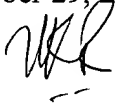
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U. K. Rajguru/mn

October 29, 2002



James J. Seidleck  
Supervisory Patent Examiner  
Technology Center 1700